

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

CAUSE NO. CV24-09-734

IN THE MATTER OF THE
MARRIAGE OF

CHRISTOPHER M. MCCARTHY
and
DARCY ANNE GUSSE

§
§
§
§
§

IN THE COUNTY COURT

AT LAW NUMBER TWO

WISE COUNTY, TEXAS

**MCCARTHY'S RESPONSE TO MOVANT'S MOTION FOR
NO EVIDENCE SUMMARY JUDGMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Christopher M McCarthy, Non-Movant herein, and requests this Honorable Court to DENY Darcy Anne Gusse's Motion for No Evidence Summary Judgment.

1. BANKRUPTCY COURT

- a. The United States Bankruptcy Court for the Norther District of Texas – Fort Worth Division (“BK Court”) – allowed a limited LIFT of the Stay in the instant case solely for this Court to render a ruling on the No Evidence Motion for Summary Judgment to determine whether a marriage exists between the parties.
- b. Quotations directly below in section 2 are found within the BK Court's *Agreed Order Granting in Part and Denying in Part the Motion for Relief from Stay filed by Christopher McCarthy*, in Case Number 25-41572, IN RE: Darcy Anne Gusse, Debtor, signed 9 October 2025 (“BK ORDER”).
- c. The BK Court stated that the State Court may “enter Orders as the State Court deems appropriate,” including that “the State Court *may* determine the nature and character of the parties’ assets and debts.” (BK ORDER, pg 2, 1st & 2nd paras.)
- d. However, the BK Court further states that “if the State Court determines that a marriage exists...any Order of the State Court that divides any real or personal property...must be approved by the Bankruptcy Court.” (BK ORDER, pg 2, 3rd para.)
- e. The BK Court also states that if “a marriage exists...both Parties may pursue claims of equitable reimbursement...” (BK ORDER, pg 2, 4th para.)
- f. The BK Court is silent as to whether the parties may pursue equitable claims if a marriage does NOT exist, which necessarily leaves this Court without ability to fully consider the merits of Non-Movant's pleadings relative to the parties' alleged property.
- g. In essence, this Court cannot fully address the meritorious claims of the parties, and specifically the Non-Movant herein, relative to their property, regardless of the Court's ruling on the Summary Judgment, because the Stay does not permit this option.
- h. Consequently, Non-Movant is unsure how to properly respond. Notwithstanding, Non-Movant's response herein is given so that the Court may DENY Movant's Motion for Summary Judgment, as evidence beyond a scintilla exists to show a

marriage exists, including evidence to raise a genuine issue of material fact; but moreover, evidence exists to show Non-Movant's equitable claims to the property in question.

- i. Non-Movant further responds that Movant's Motion for Summary Judgment does NOT address the Non-Movant's meritorious equitable claims regarding the property and thus this matter necessarily requires further examination in another hearing, presumably after the BK Court allows a Lift of the Stay specifically for that purpose.

2. INTRODUCTION

- a. When a party files for a no-evidence summary judgment, the Movant must allege that the Non-Movant has no evidence to support at least one element of Non-Movant's claim or defense.
- b. The burden is on the Non-Movant to then produce summary judgment evidence raising a genuine issue of material fact as to the challenged element.
- c. The Court must view the evidence so produced in a light most favorable to the Non-Movant, indulging every reasonable inference and resolving any doubts in Non-Movant's favor.
- d. When a party files for summary judgment generally, the court can grant the motion only when the movant's evidence proves, as a matter of law, all the elements of the movant's cause of action or defense, or disproves the facts of at least one element in the non-movant's cause or defense.
- e. When evaluating a general motion for summary judgment, the court must:
 1. Assume all the non-movant's proof is true;
 2. Indulge every reasonable inference in favor of the non-movant; and
 3. Resolve all doubts about the existence of a genuine issue of material fact against the movant.

3. MOVANT ASSERTIONS

- a. Movant asserts there is no evidence to support at least one of the essential elements of an informal marriage of the parties:
 - 1) parties agreed to be married;
 - 2) parties lived together in this State after the agreement; and
 - 3) parties represented to others they were married.
- b. Non-Movant points out that portions of Movant's proffered evidence actually denote a marriage *does* exist.
 - 1) For example, the text message from Mr. McCarthy of 23 September 2024 (partially quoted on pg. 9, 2nd para. of Movant's motion), when read contextually, proves the parties were married because his complaint is that Ms. Gusse wasn't being a good spouse.
 - 2) On 22 June 2017, Ms. Gusse and Mr. McCarthy got engaged and made this fact known publicly, as stated by Ms. Gusse in her Declaration filed on 9 August 2025.
 - 3) Thereafter, the parties lived together multiple times in multiple dwellings, purchasing property together and running businesses together. The funds used to purchase the properties and businesses were from Mr. McCarthy or refunded to

other parties from him and/or the business.

4) In 2020, it was a choice to file individually for bankruptcy, and that fact does not in and of itself debunk the notion that the parties are, in fact, married. By August 2025, the parties were no longer living together as a married couple, and temporary orders were believed to be finally agreed regarding the parties' property and case resolution, thus Non-Movant checked the box re "not married."

5) The ratification by Ms. Gusse's conduct in continuing businesses, living with Mr. McCarthy, and using all of his financial assets to pay debts, liabilities, and live from day to day are further proof of her marriage. She otherwise had no income and livelihood.

4. NON-MOVANT'S SUMMARY of MATERIAL EVIDENCE

- a. Mr. McCarthy's time, labor, physical and financial contributions to the property, the businesses, and the livelihood of both parties proves their marriage relationship and the equitable principles necessary to divide the property.
- b. Evidence of Ms. Gusse's constant and frequent destruction and obstruction of the parties' property and specifically destroying Mr. McCarthy's necessary business equipment, including her use of insulting and violent rhetoric, prove a marriage relationship existed, however strained.
- c. Ms. Gusse used a pseudo-nym online in order to further destroy the character of Mr. McCarthy. This occurred on and off during their volatile relationship, even as against and in the face of law enforcement orders and admonitions.
- d. All property owned or claimed owned by Ms. Gusse was only acquired by use of Mr. McCarthy's funds or his business acumen. Without him, there was no business or property.
- e. The enhancements of the parties' properties and businesses were conducted by Mr. McCarthy, with Ms. Gusse's knowledge and consent, thus transmuting, comingling, and converting all properties for both parties, including as a married couple, but regardless as joint tenants in common. These spousal efforts and actions thus require equitable distribution. The purchase and continued use of these properties together literally establish the element of "holding out" to others while the parties were agreeably married and living together. (*See Winfield v. Renfro*, 821 S.W.2d 640, (Ct. of App. – Houston (1st Dist.)) 10 Oct 1991.) Holding out can be established by word or conduct. (*See Estate of Giessel*, 734 S.W.2d 27, 31 (Tex.App.-Houston (1st Dist.)) 1987, writ ref'd n.r.e.)
- f. Non-Movant attaches herewith, as if stated herein verbatim, his affidavit filed with the BK Court, as **Exhibit A**; and the referenced materials from that exhibit, as **Exhibit B**, (even though originals state Exhibit A-C – a carryover from the prior court filing).
- g. Summarily, Non-Movant asserts that the parties:
 - 1) agreed to be married and own business together, move together, buy property together, and earn income together, in Alvord, Texas, after all they'd been through in other areas;
 - 2) undisputably lived together as a married couple through about September of 2024; and
 - 3) represented to others – family, friends, business associates, clients, employees, and "held out" by conduct of property building, maintaining, enhancing, and keeping and using joint accounts and legal stratagems to uphold their

relationships and marriage interests.

- h. Exhibit B portrays certain documented evidence of the parties' marriage relationship and their "holding out" and is incorporated herein by reference.
- i. These references, among others, provide existence of material evidence of the genuinely contested facts relative to the parties' marriage, and certainly more than a scintilla.

5. **CONCLUSION**

- 1. The Court should deny Movant's Motion for Summary Judgment, as material facts and evidence exists to support Non-Movant's claim.
- 2. The Court should set another hearing in order to determine the community or equitable interests in the contested property; and second, to determine if the BK Court will allow a lift of the say to determine equitable ownership of the property, even if a marital relationship doesn't exist.

6. **PRAYER**

Non-Movant prays that this Court will deny Defendant's Motion for No Evidence Summary Judgment, and for such other and further relief that may be awarded at law or in equity.

Respectfully submitted,

LLOYD & ASSOCIATES, PLLC
1512 E. McKinney St. Suite 201
Denton, Texas 76209
Tel. 940.381.2600
Fax. 866.701.0339

By: _____



Andrew M. Lloyd
Texas Bar No. 24039019
andrew@LloydCounsel.com
Attorney for Non-Movant

NOTICE OF HEARING

The above and foregoing Non-Movant's Response to Motion for No Evidence Summary Judgment is already set for hearing on 19 December 2025 at 9:00 a.m. in County Court at Law No. 2, 1007 13th St. #109, Bridgeport, Texas 76426, of Wise County, Texas.

CERTIFICATE OF SERVICE

I certify that on 8 December 2025, a true and correct copy of the above Response and incorporated Exhibits were served on Jennifer J. Schultz electronically via email and via the electronic filing service.

A handwritten signature in dark ink, appearing to read 'Andrew M. Lloyd', is written over a horizontal line.

Andrew M. Lloyd

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:
DARCY ANNE GUSSE,
Debtor.

§
§
§

Case No. 25-41572-elm7
Chapter 7

AFFIDAVIT OF CHRISTOPHER MCCARTHY

STATE OF TEXAS §
§
COUNTY OF WISE §

BEFORE ME, the undersigned authority, on this day personally appeared Christopher McCarthy, who, being duly sworn, deposed and stated as follows:

1. “My name is Christopher McCarthy. I am over 18 years of age, of sound mind, and fully competent to make this affidavit. I am the Movant in the above-referenced bankruptcy case and a party to the pending divorce proceeding with the debtor, Darcy Anne Gusse. The facts stated herein are based on my personal knowledge and are true and correct.
2. Contrary to the affidavit filed by the Debtor, it is true and correct that Darcy Anne Gusse and I were common law married under Texas law, based on agreement, cohabitation, and holding out as husband and wife.
 - We agreed to be married and consistently treated each other as husband and wife.
 - We lived together in Texas as husband and wife at multiple residences, including the marital homestead located at 157 County Road 1380 in Alvord, Texas, until separation on September 11, 2024.

- We represented to others that we were married by introducing one another as husband and wife to family, friends, clients, neighbors, and business associates, and by maintaining joint financial accounts and legal obligations.

This is corroborated by Exhibit A, attached hereto and incorporated herein, which contains:

- A handwritten letter from Darcy to me referring to me as “my fiancé” and expressing her desire to “marry you and call you my husband every day for eternity.”
- A photograph of us together with a caption celebrating “the rest of our lives together.”
- A photograph of Darcy wearing a bridal gown.
- Social media messages in which Darcy referred to me as her husband.
- Symbolic markers of our relationship, including our initials “D McC C” engraved together in concrete.

These documents and images demonstrate that Darcy openly held herself out as married to me.

3. Throughout our relationship, substantial property was accumulated during the marriage, including the marital homestead, vehicles, livestock, and business assets such as tools, equipment, and fixtures.

Exhibit B, attached hereto and incorporated herein, further confirms our joint ownership and Darcy’s acknowledgment of my rights in this property. Specifically:

- A handwritten note, signed by Darcy and dated April 13, 2024, promising to add me to the deed of the property, add me as half-owner of the business, and sign over an F-350 truck to me.
- Text messages where Darcy referred to real property and acreage as “our property” and “our investment,” and discussed our joint financial stake in the land.
- A Google review posted publicly by Darcy referring to real estate transactions in the first-person plural, including: “she got us our dream acreage to build on.”

These documents confirm that Darcy treated our property as jointly owned and acknowledged my rights to a marital estate.

4. Since the filing of the bankruptcy petition, I have personal knowledge and evidence that substantial community property has been dissipated, destroyed, or transferred by Darcy without proper accounting.

Exhibit C, attached hereto and incorporated herein, documents this destruction and dissipation, including:

- Photographs of broken doors, locks, and windows at the marital property.
- Images of trashed and gutted interiors, scattered belongings, and disassembled equipment.
- Damage to a classic vehicle and to motorcycles.
- Piles of discarded community property, including tools and equipment, thrown outside the marital workshop.

This dissipation has reduced and continues to threaten the value of the community estate that should be available for equitable reimbursement and division by the divorce court.

5. Darcy's current denial of marriage is inconsistent with her prior conduct. Not only do Exhibits A and B show her acknowledgment of our relationship as marital, but in a prior Wise County proceeding (CV-13-12-1051), Darcy filed a common law marriage petition against another party. That filing contradicts her present claim that she has never been married under common law.
6. Darcy's Chapter 7 bankruptcy filing was calculated to interfere with the divorce proceedings and to prevent proper adjudication of the community estate. The evidence attached as Exhibits A, B, and C confirms both the existence of our common law marriage and the accumulation, treatment, and dissipation of community property. These issues are not yet properly resolved by the Wise County divorce court.

FURTHER AFFIANT SAYETH NOT."



Christopher McCarthy

Subscribed and sworn before me this 30th day of September, 2025.

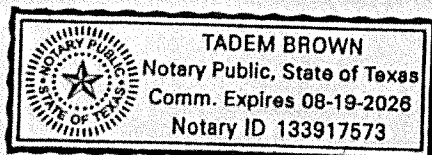
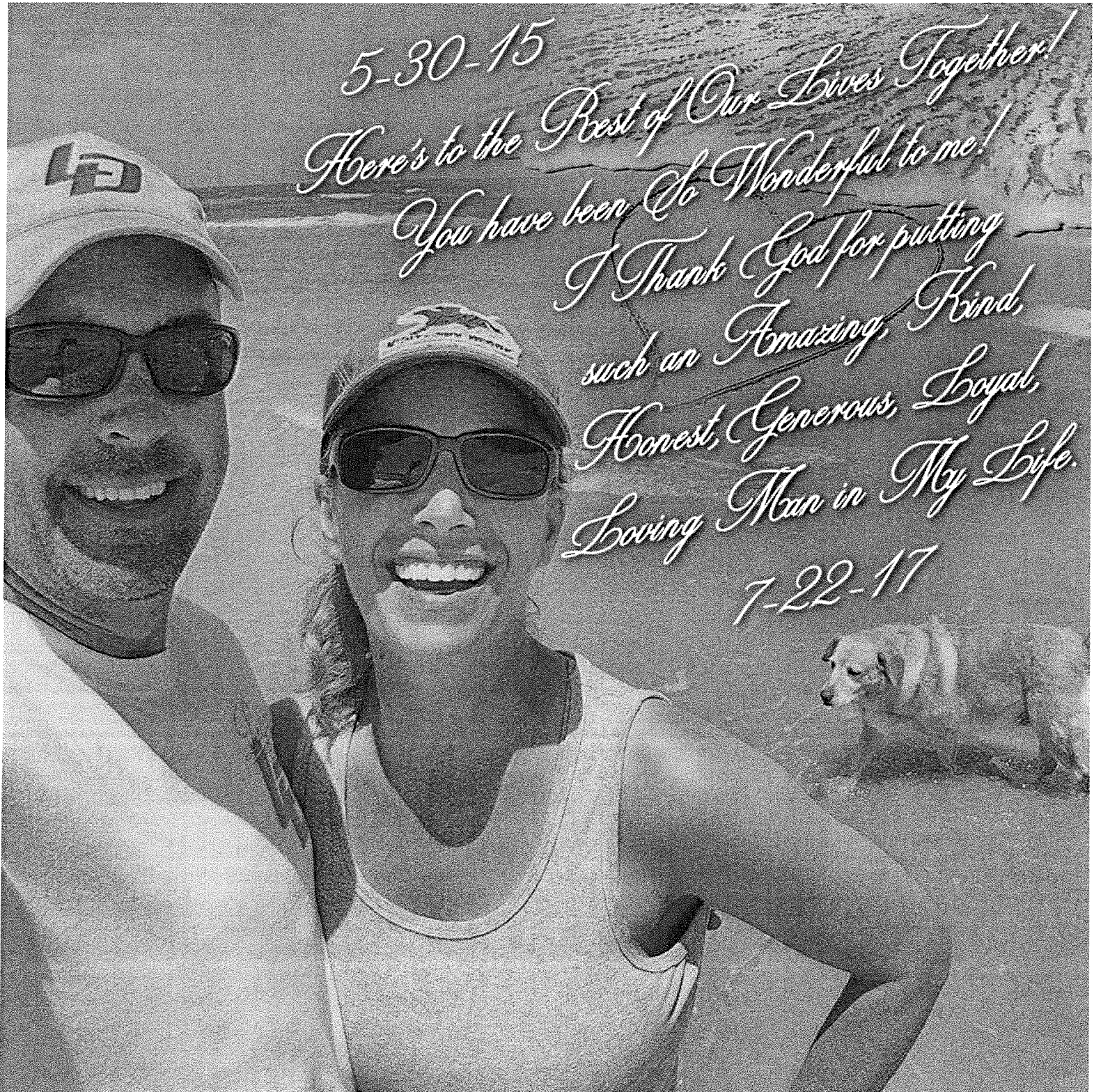

Notary Public, State of Texas

EXHIBIT B

~~EXHIBIT A~~

I have the man I have always dreamed of having my entire life... absolutely my best friend... your integrity, patience, and loyalty is truly amazing... you bring peace to my life and before you I have never felt so safe from harm... physically and emotionally... you defend me from any and all pain as a man should for his Love... Never have I been treated with so much honor and love. I can't wait to marry you and call you my husband everyday for eternity.

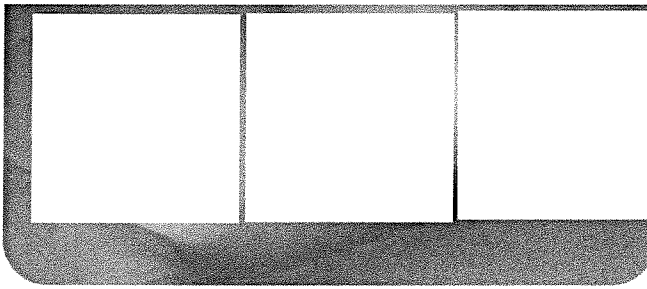
I Love You Chris. Your France, Darcy.







Facebook user



nice rack babe!!!

Yeaaa..

My tongue... across them like a
soft serve...

lolol

Can I have em???

theyre already urs

ur gonna marry those bitches

Yes... yes. I. Am.



We're solid

You blocked Facebook user

You can't message or call them in this chat, and you won't
receive their messages or calls.

Unblock

Report



[illegible]

[illegible]

10:27



26%



2:28



83°



Yvonne

Active Now



wont and many others wont support you're need for 5 minutes of fame. You're pissing people off. You're the problem not the solution.



Yes. That MUST be it.

You can now call each other and see information like Active Status and when you've read messages.

I'm sorry. I dont understand your question. Was there a question?

I dont care if you or your echo chamber friends dont want it here. Others have asked for this and thanked me for this. So idk what your problem is.



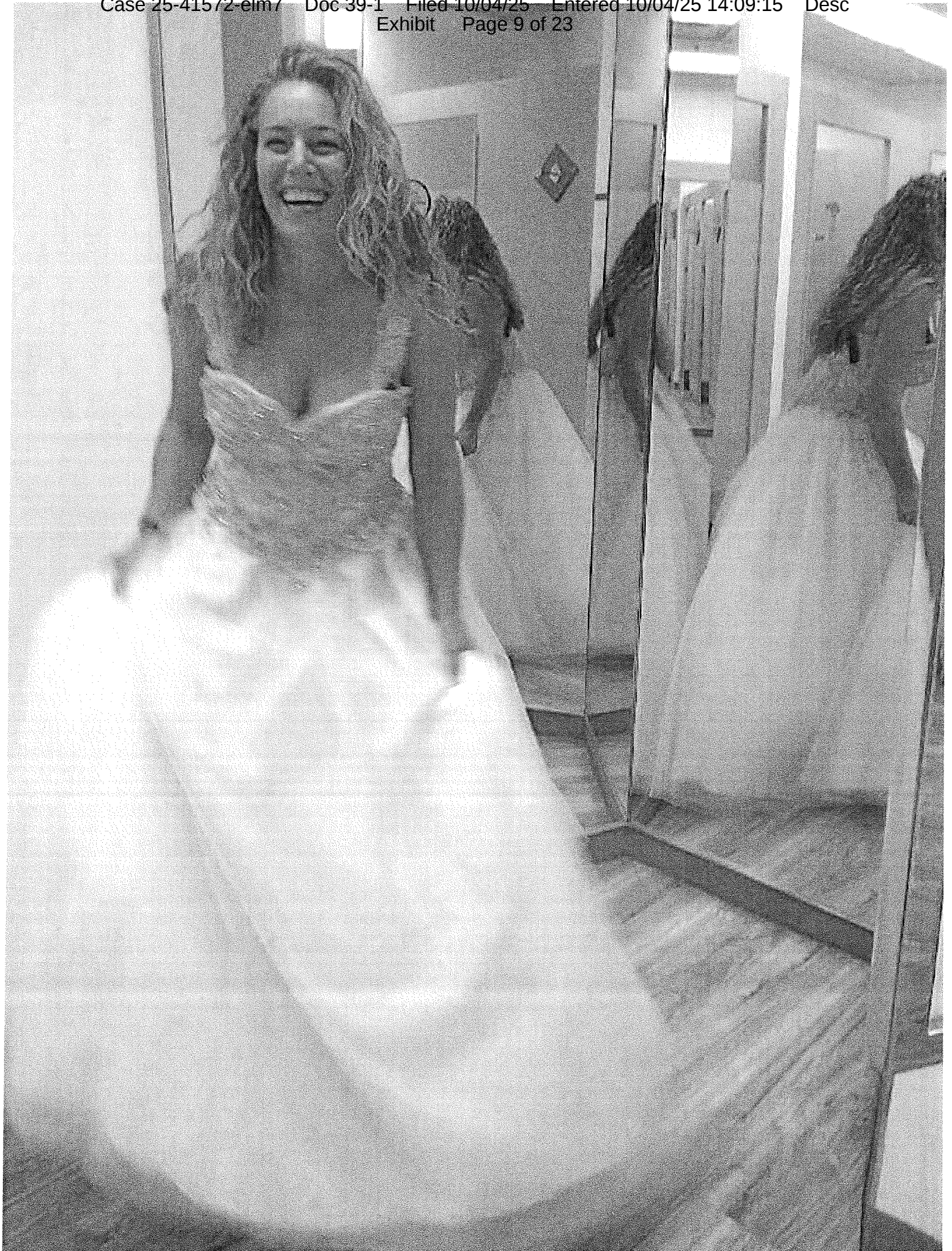
Your baby daddy must be black.

I already stated I'm not arguing about this. And actually no my HUSBAND isnt. But thanks though.



Aa





~~EXHIBIT B~~

ADD CHRIS TO
DEED OF BOTH
10 ACRE LOTS
Dan Hume 4.13.24

ADD CHRIS TO
BUSINESS AS
HALF BUSINESS
OWNER Dan Hume 4.13.24

CHRIS IS TO HAVE
F350 SIGNED
OVER TO HIM 100%
Dan Hume
4.13.24

< D D ▾ ⋮

500k

5:19 PM

We definitely have a
good investment with
this property

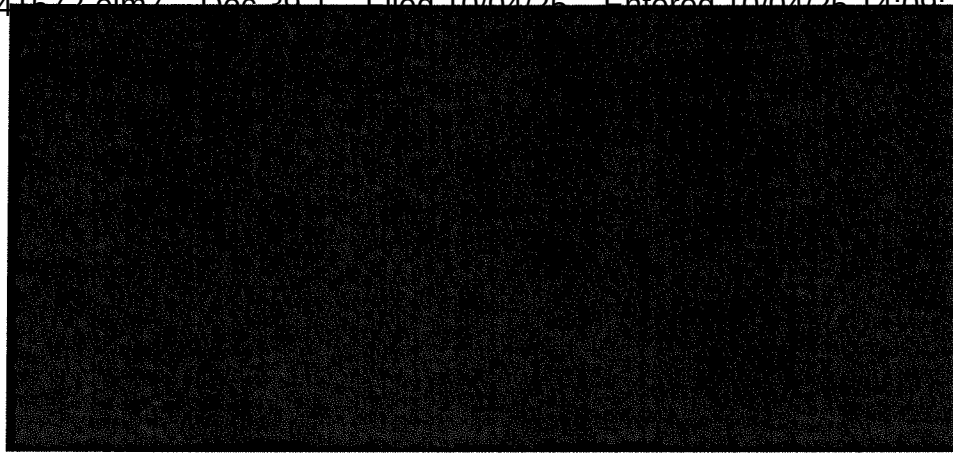
5:23 PM

yes. solid. very

5:23 PM

not just the acreage,
but the quality of the
acreage.. and the
building(s).





🔖 Bookmarked here for unread messages

Thursday, 21 January 2021



I will see.. on my
way soon

MMS
9:28 am



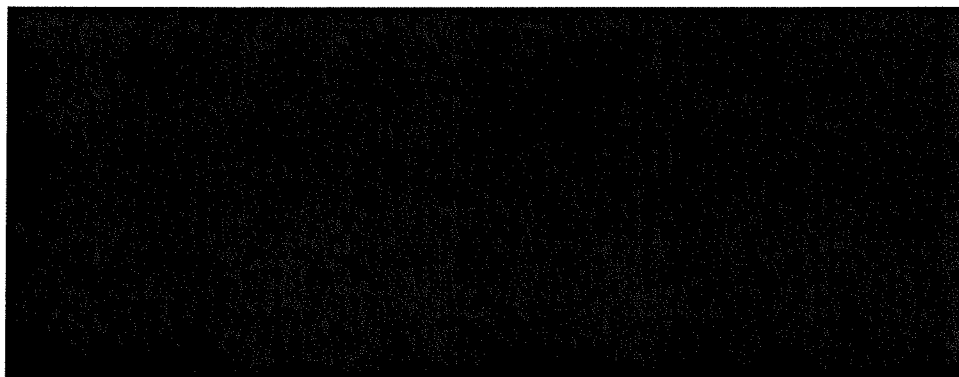
You own 20 acres..
u need a mule now

MMS
2:35 pm



Double Duck is
officially double ten
acres

MMS
2:36 pm



< land



hap

May 4, 2023

and they robbed their kids
of a moment of mercy...
woth their anger.

12:01 PM

Oh yes very aware..

She took them for her
propaganda agenda

12:03 PM

I tried to make good
with them.. he had zero
interest in it.. so fuck off
asshole

12:04 PM

They don't give a fuck
what we've been going
thru.. or our rights to our
land

12:06 PM

He don't have to speak
or interact with us but
I'm suppose to.. fuuuuck
uuuuu

12:07 PM

Like I told fred.. we
weren't aware we had



remee thomason realtor

All

Images

News

Including results for n

Search only for remee th

Century 21

https://www.century21.co

Renee Thomason,

Renee Thomason is a Deca

Decatur, TX. Contact Renee

4.5 (18)

Missing: remee | Show/resu

Realtor.com

https://www.realtor.com

Renee Thomason -

Find real estate agent & Re

rated real estate profession

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Zillow

https://www.zillow.com/tx/decatur-paradise-1

Renee Thomason - Real Estate Agent in Paradise, TX

Suggest an edit · Own this business?

Write a review

5.0

★ ★ ★ ★ ★

13 reviews

Darcy Gusse

5 reviews

Love this lady! I initially called her for her services moving from another state, she was Great at keeping in touch and and searching properties for us. She went above and beyond for us. Even helped with boarding our horses on her property for us! (Who does that? I'll tell you, a caring, generous lady.) And soon she got us our dream acreage to build on. And to this day she is our dear friend.

Hover to react

♥

Renee Thomason, Realtor (Owner)

3 years ago

You are a dear friend to me as well. I am so glad to be your Realtor and most of all, gained a GREAT friend!

See outside

W Thompson St

TX 76234

Reviews

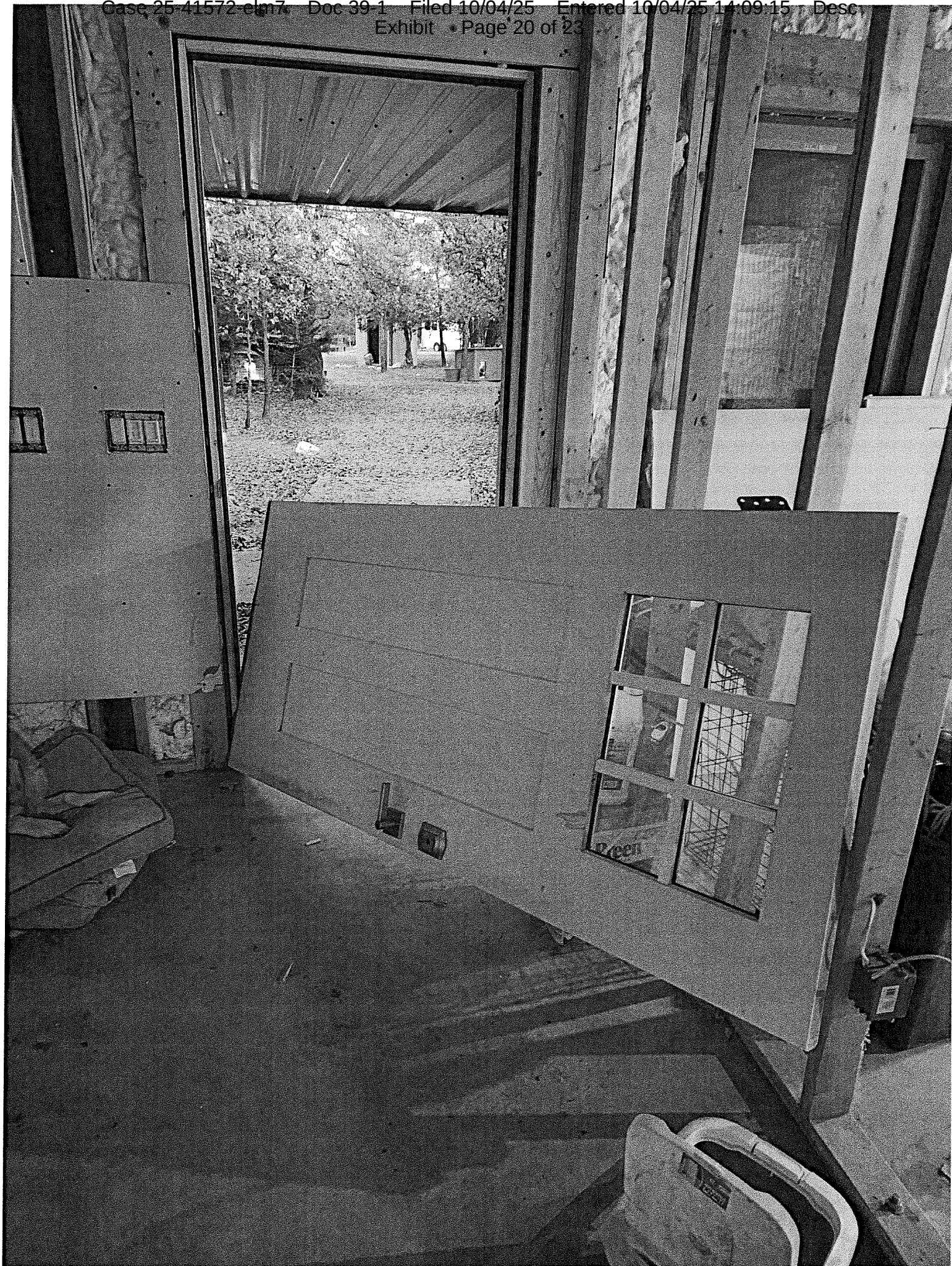
Save

~~EXHIBIT C~~



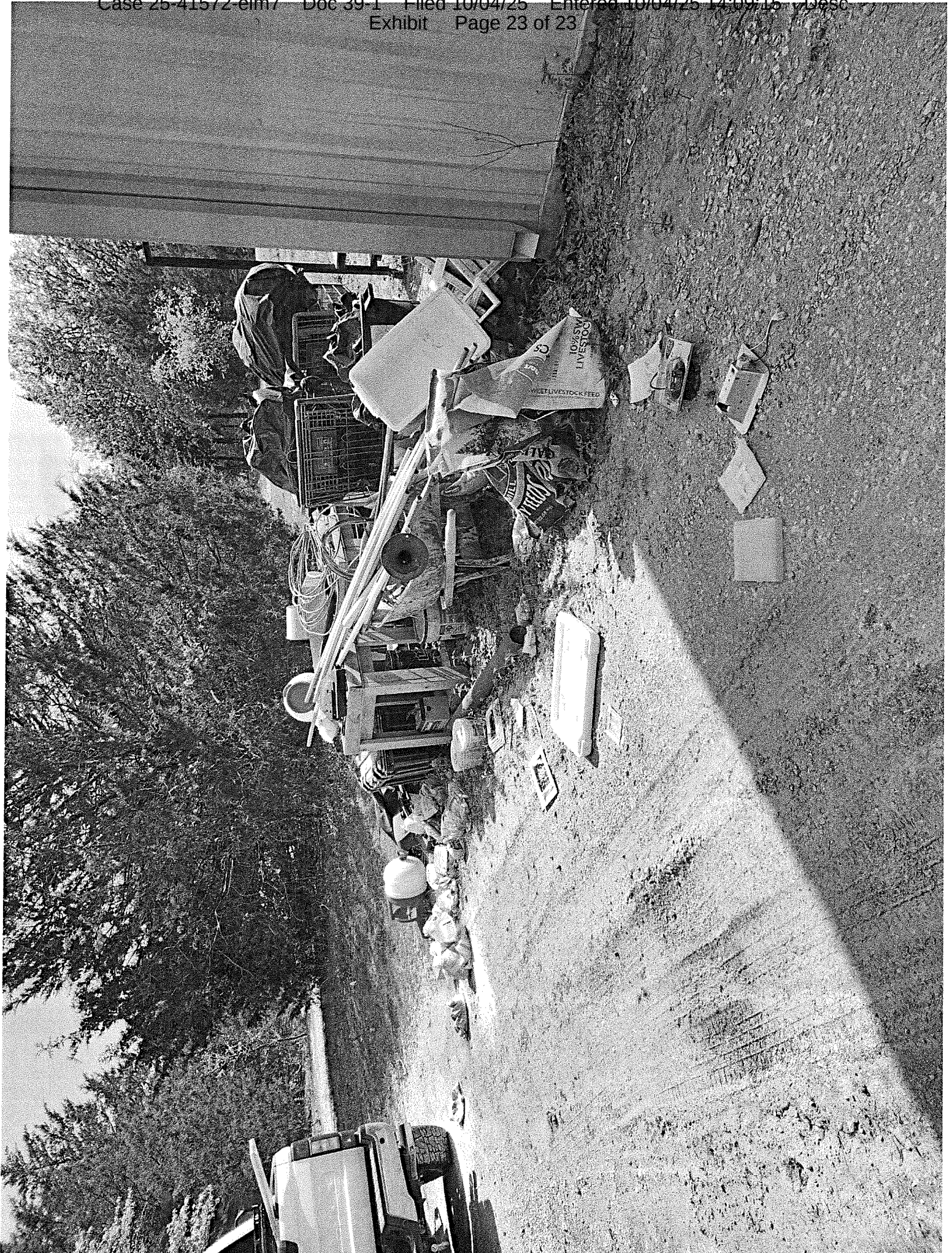












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Stacy Kline on behalf of Andrew Lloyd

Bar No. 24039019

stacy@lloyd counsel.com

Envelope ID: 108842181

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Filing Description: MCCARTHY'S RESPONSE TO MOVANT'S MOTION FOR EVIDENCE SUMMARY JUDGMENT

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